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February 12, 2007

Homeland Security Presidential Directive/HSPD-19

Subject: Combating Terrorist Use of Explosives in the United States

Purpose

(1) This directive establishes a national policy, and calls for the development of a national strategy and implementation plan, on the prevention and detection of, protection against, and response to terrorist use of explosives in the United States.

Definitions

(2) In this directive:

(a) "agencies" means those executive departments enumerated in 5 U.S.C. 101, independent establishments as defined by 5 U.S.C. 104(1), Government corporations as defined by 5 U.S.C. 103(1), and the United States Postal Service;

(b) "explosive attack" means an act of terrorism in the United States using an explosive;

(c) "explosive" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion, including improvised explosive devices, but excluding nuclear and radiological devices;

(d) "improvised explosive device" or "IED" means an explosive device that is fabricated in an improvised manner incorporating explosives or other destructive, lethal, pyrotechnic, or incendiary chemicals;

(e) "NIPP" means the National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive-7 of December 17, 2003 (Critical Infrastructure Identification, Prioritization, and Protection)(HSPD-7); and

(f) "risk" means the product of credible threat, consequence, and vulnerability, as defined in the NIPP.

Background

(3) Terrorists have repeatedly shown their willingness and ability to use explosives as weapons worldwide, and there is ample intelligence to support the conclusion that they will continue to use such devices to inflict harm. The threat of explosive attacks in the United States is of great concern considering terrorists' ability to make, obtain, and use explosives, the ready availability of components used in IED construction, the relative technological ease with which an IED can be fashioned, and the nature of our free society.

Policy

(4) It is the policy of the United States to counter the threat of explosive attacks aggressively by coordinating Federal, State, local, territorial, and tribal government efforts and collaborating with the owners and operators of critical infrastructure and key resources to deter, prevent, detect, protect against, and respond to explosive attacks, including the following:

(a) applying techniques of psychological and behavioral sciences in the analysis of potential threats of explosive attack;

(b) using the most effective technologies, capabilities, and explosives search procedures, and applications thereof, to detect, locate, and render safe explosives before they detonate or function as part of an explosive attack, including detection of explosive materials and precursor chemicals used to make improvised explosive or incendiary mixtures;

(c) applying all appropriate resources to pre-blast or pre-functioning search and explosives render-safe procedures, and to post-blast or post-functioning investigatory and search activities,

in order to detect secondary and tertiary explosives and for the purposes of attribution;

(d) employing effective capabilities, technologies, and methodologies, including blast mitigation techniques, to mitigate or neutralize the physical effects of an explosive attack on human life, critical infrastructure, and key resources; and

(e) clarifying specific roles and responsibilities of agencies and heads of agencies through all phases of incident management from prevention and protection through response and recovery.

Implementation Actions

(5) As soon as practicable and not later than 150 days after the effective date of this directive, the Attorney General, in coordination with the Secretary of Homeland Security and the heads of other Sector-Specific Agencies (as defined in HSPD-7) and agencies that conduct explosive attack detection, prevention, protection, or response activities, shall submit to the President for approval, through the Assistant to the President for Homeland Security and Counterterrorism, a report, including a national strategy and recommendations, on how more effectively to deter, prevent, detect, protect against, and respond to explosive attacks, including the coordination of Federal Government efforts with State, local, territorial, and tribal governments, first responders, and private sector organizations. The report shall include the following:

(a) a descriptive list of all Federal statutes, regulations, policies, and guidance that (i) set forth agency authorities and responsibilities relating to the prevention or detection of, protection against, or response to explosive attacks, or (ii) govern the use of the assets and capabilities described in paragraph (b) of this section;

(b) an inventory and description of all current Federal Government assets and capabilities specifically relating to the detection of explosives or the protection against or response to explosive attacks, catalogued by geographic location, including the asset's transportability and, to the extent feasible, similar assets and capabilities of State, local, territorial, and tribal governments;

(c) an inventory and description of current research, development, testing, and evaluation initiatives relating to the detection of and protection against explosives and anticipated advances in capabilities for reducing the threat of explosive attacks, and recommendations for the best means of disseminating the results of such initiatives to and among Federal, State, local, territorial, and tribal governments and first responders, as appropriate;

(d) for the purpose of identifying needed improvements in our homeland security posture, an assessment of our ability to deter, prevent, detect, protect against, and respond to an explosive attack based on a review of risk and the list, inventories, and descriptions developed pursuant to paragraphs (a), (b), and (c) of this section, and recommendations to address any such needed improvements;

(e) recommendations for improved detection of explosive chemical compounds, precursor chemicals used to make improvised explosive chemical compounds, and explosive device components;

(f) recommendations for developing a comprehensive understanding of terrorist training and construction methods relating to explosive attacks and the production of explosive and incendiary materials;

(g) recommendations for protecting critical infrastructure and key resources against an explosive attack that can be used to inform sector-specific plans developed pursuant to the NIPP, including specific actions applicable to each of the critical infrastructure and key resources sectors;

(h) a recommended draft incident annex to the National Response Plan developed pursuant to Homeland Security Presidential Directive-5 of February 28, 2003 (Management of Domestic Incidents), for explosive attacks, detailing specific roles and responsibilities of agencies and heads of agencies through all phases of incident management from prevention and protection through response and recovery;

(i) an assessment of the effectiveness of, and, as necessary, recommendations for improving Federal Government training and education initiatives relating to explosive attack detection, including canine training and performance standards;

(j) recommended components of a national public awareness and vigilance campaign regarding explosive attacks; and

(k) a recommendation on whether any additional Federal Government entity should be established to coordinate Federal Government explosive attack prevention, detection, protection, and response efforts and collaboration with State, local, territorial, and tribal government officials, first responders, and private sector organizations.

(6) Not later than 90 days after the President approves the report, the Attorney General, in coordination with the Secretaries of Defense and Homeland Security and the heads of other Sector-Specific Agencies (as defined in HSPD-7) and agencies that conduct explosive attack detection, prevention, protection, or response activities, shall develop an implementation plan. The implementation plan shall implement the policy set forth in this directive and any recommendations in the report that are approved by the President, and shall include measures to (a) coordinate the efforts of Federal, State, local, territorial, and tribal government entities to develop related capabilities, (b) allocate Federal grant funds effectively, (c) coordinate training and exercise activities, and (d) incorporate, and strengthen as appropriate, existing plans and procedures to communicate accurate, coordinated, and timely information regarding a potential or actual explosive attack to the public, the

media, and the private sector. The implementation plan shall include an implementation timetable, shall be effective upon the approval of the plan by the Attorney General, and shall be implemented by the heads of agencies as specified in the plan.

Roles and Responsibilities

(7) The Attorney General, in coordination with the Secretary of Homeland Security and the Director of National Intelligence, shall maintain and make available to Federal, State, local, territorial, and tribal law enforcement entities, and other first responders at the discretion of the Attorney General, a web-based secure portal that includes information on incidents involving the suspected criminal misuse of explosives, including those voluntarily reported by State, local, territorial, and tribal authorities.

(8) The Secretary of Homeland Security, in coordination with the Attorney General, the Director of National Intelligence, and the Secretaries of State and Defense, shall maintain secure information-sharing systems that make available to law enforcement agencies, and other first responders at the discretion of the Secretary of Homeland Security, information, including lessons learned and best practices, concerning the use of explosives as a terrorist weapon and related insurgent war fighting tactics, both domestically and internationally, for use in enhancing the preparedness of Federal, State, local, territorial, and tribal government personnel to deter, prevent, detect, protect against, and respond to explosive attacks in the United States.

(9) The Secretary of Homeland Security, in coordination with the Attorney General, the Secretary of Defense, and the Director of the Office of Science and Technology Policy, shall coordinate Federal Government research, development, testing, and evaluation activities relating to the detection and prevention of, protection against, and response to explosive attacks and the development of explosives render-safe tools and technologies. The heads of all other agencies that conduct such activities shall cooperate with the Secretary of Homeland Security in carrying out such responsibility.

General Provisions

(10) This directive:

(a) shall be implemented consistent with applicable law and the authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations;

(b) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals; and

(c) is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.